H.R. ___, "_____ Act of 2013"

SECTION-BY-SECTION

Section 1: This section provides the short title of "_____Act of 2013."

Section 2: This section provides direction relating to the establishment of standards for new fossil fuel-fired electricity generating units (EGUs).

Section 2(a) provides that the Administrator of the Environmental Protection Agency (EPA) may not issue, implement, or enforce any proposed or final rule under section 111 of the Clean Air Act (CAA) that establishes greenhouse gas (GHG) emissions standards for new fossil fuel-fired EGUs unless the Administrator meets the requirements of subsections (b) and (c).

Section 2(b)(1) provides that the EPA Administrator must establish separate source categories for new EGUs fueled with coal and natural gas.

Section 2(b) provides that for the coal category, the EPA Administrator may not set a standard unless it has been achieved for a continuous 12-month period by at least 6 EGUs located at different power plants in the U.S., which EGUs collectively are representative of the operating characteristics of EGUs at different locations in the U.S. and which have operated for the entire 12-month period on a full commercial basis.

Section 2(c) further provides for the coal category that the Administrator must establish a subcategory for new EGUs fueled by lignite coal, and may not set a standard for that subcategory unless it has been achieved for a continuous 12-month period by at least 3 EGUs located at different power plants in the U.S., which EGUs collectively are representative of the operating characteristics of EGUs at different locations in the U.S. and which have operated for the entire 12-month period on a full commercial basis.

Sections 2(b) and (c) also provide that in establishing standards for the coal category, the Administrator may not set the standards based on results from a demonstration project.

Section 3: This section provides that any rules or guidelines issued by the Administrator establishing standards of performance under CAA section 111 for modified or reconstructed fossil fuel-fired EGUs, or guidelines for existing fossil fuel-fired EGUs, will not take effect unless a Federal law is enacted specifying such rule's or guidelines' effective date. The section further provides that such rules or guidelines may not take effect unless the Administrator has submitted to Congress a report containing (1) the text of such rule or guidelines; (2) the economic impacts of such rule or guidelines, including potential effects on economic growth, competitiveness and jobs, and on electricity ratepayers; and (3) the amount of GHG emissions that such rule or guidelines are projected to reduce as compared to overall GHG emissions.

Section 4: This section provides that the EPA's proposed standards for new fossil fuel-fired EGUs, and any substantially similar rules that do not meet the requirements of Section 2 of this Act, are of no force and effect. The section further provides that any rules or guidelines for modified, reconstructed or existing fossil fuel-fired EGUs promulgated prior to enactment of the Act are also of no force and effect.

Section 5: This section contains the following definitions:

(1) "Demonstration project" means a project to test or demonstrate the feasibility of carbon capture and storage technologies that has received government funding or financial assistance.

(2) "Existing source" has the meaning given such term in CAA section 111(a), except that such term shall not include any modified source.

(3) "Greenhouse gas" means any of the following: carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons or perfluorocarbons.

(4) "Modification" has the meaning given such term in CAA section 111(a).

(5) "Modified source" means any stationary source, the modification of which is commenced after the date of enactment of the Act.

(6) "New source" has the meaning given such term in CAA section 111(a), except that such term shall not include any modified source.